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VIA ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**RE: Halberstam v.Global
15 CV 5696 (BMC)**

Dear Judge Cogan:

I represent the plaintiff in the above matter. Pursuant to the Court's individual rules, plaintiff requests a pre-motion conference for leave to file a motion to strike defendant's motion for summary judgment. Or, in the alternative, to strike those portions of defendant's motion papers which make arguments outside of the scope of the facts agreed upon between the parties.

At the initial conference, the parties agreed upon the facts upon which their respective motions for summary judgment would be based. The Court's docket entry on November 17, 2015 was as follows:

Minute Entry and Order for Initial Status Conference before Judge Brian M. Cogan on 11/16/2015. Both parties present. Parties jointly agree that the language at issue for purposes of summary judgment motions is: "Name is Eric Panganiban, callback number is 1-866-277-1877, direct extension is 6962, regarding a personal business matter." Cross-Summary judgment motions addressing whether this language, when left with a non-debtor third-party, violates the FDCPA, are to be filed by 11/30/2015, replies to be filed by 12/11/2015

The plaintiff stated in his initial brief as follows: The Court has already streamlined the process where the parties have been directed to move for summary judgment based upon the following language: "Name is Eric Panganiban, callback number is 1-866-277-1877, direct extension is 6962, regarding a personal business matter." Throughout defendant's brief, defendant has made arguments based upon facts beyond agreement between the parties.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,

/s/
Adam J. Fishbein

Cc: Brandon Wrazen, Esq.